

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DWIGHT G. SHAW, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

CELLCO PARTNERSHIP, a Delaware
General Partnership d/b/a Verizon Wireless;
VERIZON COMMUNICATIONS, INC., a
Delaware corporation; VODAFONE GROUP
PLC, a public limited company incorporated
in England; OPENMARKET, INC., a
Michigan corporation; SNACKABLE
MEDIA, LLC (formerly Nextweb Media,
LLC), a Nevada limited liability company;
and PREDICTO MOBILE, LLC, a Delaware
limited liability company,

Defendants.

NO. 2:10-cv-184 RSL

**AMENDED FOURTH JOINT REPORT
ON SETTLEMENT, AGREED
MOTION AND ORDER TO CONTINUE
STAY OF PROCEEDINGS AGAINST
ALL DEFENDANTS**

**Noted on Motion Calendar:
August 3, 2010.**

I. AMENDMENT OF PRIOR PLEADING

Pursuant to the Court's Order of July 2, 2010 (Dkt. No. 24), Plaintiff and all remaining
defendants¹ submitted a report on the progress of settlement negotiations on July 30, 2010

¹ Defendants Verizon Communications, Inc. and Vodafone Group PLC have been dismissed from this action
without prejudice. (Dkt. No. 2).

AMENDED FOURTH JOINT REPORT ON SETTLEMENT,
AGREED MOTION AND ORDER TO CONTINUE STAY OF
PROCEEDINGS AGAINST ALL DEFENDANTS
(NO. 2:10-CV-184 RSL) - 1

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(Dkt. No. 25). That filing, however, inadvertently contained information that was dated and no longer accurate. As such, the parties jointly submit this “Amended Fourth Joint Report on Settlement, Agreed Motion and [Proposed] Order to Continue Stay of Proceedings Against All Defendants” and request the Court strike or disregard the prior pleading filed at Docket No. 25.

II. REPORT ON SETTLEMENT NEGOTIATIONS AND AGREED MOTION TO CONTINUE STAY

As reported previously, OpenMarket and counsel representing plaintiffs in several Related Actions have agreed to a settlement in principle (the “OpenMarket Settlement”) which will resolve Plaintiff’s claims against all defendants in this action. Because the settlement now encompasses several additional parties it has taken longer to finalize than anticipated at the time the parties filed the last report. The parties now anticipate filing preliminary approval papers in an appropriate court in August. As such, the Parties jointly request the Court extend the stay in this case until August 30, 2010 (for another 30 days).

In sum, all parties jointly move this Court to enter an order providing:

1. The Parties’ Agreed Motion to Continue to Stay these proceedings as to all claims is **GRANTED**.
2. This action, in its entirety, is hereby **STAYED** in all aspects through August 30, 2010.
3. The Parties shall report to the Court on the progress of settlement discussions by August 30, 2010.
4. The deadline for OpenMarket and Verizon Wireless to answer or otherwise respond to Plaintiff’s Complaint is extended until September 20, 2010, twenty-one (21) days after this stay terminates.

Respectfully submitted this 3rd day of August, 2010 by:

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III. ORDER

IT IS SO ORDERED.

DATED: August 9, 2010.



The Honorable Robert S. Lasnik
United States District Court Judge